

## HUBBELL BRINGS QUO WARRANTO TO OUST ARMIJO

Hearing on Writ Set for  
Wednesday Morning.

## CUSTER CAR BREAKING CASE UNDER CONSIDERATION

Judge Abbott, at the opening of court yesterday morning issued a rule to Sheriff Perfecto Armijo, ordering him to show why the writ of quo warranto filed in the district court by counsel for ex-Sheriff Thomas S. Hubbell Saturday, should not be issued. Counsel for the court grant further time to answer the writ, which request was granted. Judge Abbott setting the hearing for Wednesday morning, when it is expected the writ will come up for argument.

The action in quo warranto was brought by Hubbell's counsel after they had exhausted all means to hold the office for their client, against the governor's order of removal and the commission to Armijo. It was in the effort to avoid quo warranto proceedings that Hubbell was allowed to go to jail for a week for refusing to obey the order of the court. The former sheriff finally yielding full possession of the office and jail to his successor.

The quo warranto proceeding has been recognized by both sides to the controversy as the only proceeding in which title to the office and the governor's right and power to remove could be properly tried. Whatever the result of the hearing, Judge Abbott the question is expected to go to the highest tribunal for final decision. It is probably the beginning of an action which will be in the courts for months, if not for years.

**ALLEGED CAR BREAKER**  
BEFORE U. S. COMMISSIONER  
W. Custer, who has been held in the county jail for the past ten days on the charge of entering a sealed car on the Santa Fe railway, was brought before United States Commissioner H. R. Whiting in Old Albuquerque yesterday for a continuance of the hearing begun last week and postponed on petition of Custer's attorney. Witnesses for the railroad were heard last week and yesterday Custer was called to testify. Custer, according to the testimony, was caught in the car by a brakeman and locked therein. He attempted to escape and his companions did escape, Custer being caught at the junction with some of the goods on his person. The articles found were not of great value, but the United States statute covering car breaking is strict and heavy penalties are attached. Custer presented an unusual defense. He produced letters showing that he had heretofore borne a good reputation and other letters from his wife and his babies showing that they were expecting him home and in need of him to earn a living for them. The commissioner took the matter under advisement and will return his decision this morning.

## BRIGGS WILL HAVE A HEARING THIS MORNING

R. H. Briggs, the Santa Fe porter charged with assault upon Alex Bowles, of Gallup, is to have a hearing before Judge Crawford this morning. Briggs is being held at the county jail.

## CALL FOR REPUBLICAN TERRITORIAL COMMITTEE

MEETING TO BE HELD IN SANTA FE NOVEMBER 10 TO DISCUSS IMPORTANT BUSINESS.

The New Mexico republican central committee has been called by Chairman H. O. Bursum to meet in Santa Fe on November 10th to discuss important business.

The nature of the business is not defined in the call other than that it is expected to talk over the statehood situation. It is expected that the committee will be called upon to place itself on record as against joint statehood. The committee has had some months of deliberation and the meeting will serve to get the organization into working order again, following the long rest after the late campaign. Other important business is to be discussed but no hint is given of its nature.

The membership of the committee follows:

H. O. Bursum, chairman; C. Safford, secretary; Jose D. Sena, assistant secretary; Solomon Luna, treasurer.

Members—Bernadillo: W. S. Strickler and F. A. Hubbell; Chaves, E. A. Cahoon and J. M. Hervey; Colfax, J. Van Houten and J. Leach; Dona Ana, W. H. H. Llewellyn and H. B. Holt; Eddy, A. N. Pratt and L. O. Pullen; Grant, W. H. Newcomb and R. M. Turner; Lincoln, G. W. Pritchard and W. S. Brady; Leonard Wood, F. D. Morse and M. C. de Baca; Luna, J. W. Hannigan and T. A. Carr; McKinley, Steve Canavan and Gregory Page; Mora, Christoval Sanchez and Juan Navarro; Otero, W. D. Tipton and O. G. Cady; Quay, A. E. Curran and W. F. Buchanan; Roosevelt, W. E. Lindsay and C. O. Leach; Rio Arriba, V. Jaramillo and Alexander Read; Sandoval, E. M. Sandoval and E. A. Miola; San Juan, G. V. Safford and Granville Pendleton; San Miguel, Secundino Romero and J. S. Clark; Santa Fe, E. C. Abbott and J. E. Lacombe; Sierra, F. W. Winston and W. H. Butler; Socorro, H. O. Bursum and Elmer Baca; Taos, Malquiue Martinez and T. P. Martin; Torrance, William McIntosh; Union, Charles Schieler and Eufrazio Gallegos; Valencia, Carlos Baca and Solomon Luna.

Executive Committee—Eugenio Romero, W. G. Sargent, J. W. Akers, W. H. Newcomb, T. D. Burns, Max Frost, David M. White, H. W. Kelly, Solomon Luna, T. B. Hart, T. S. Hubbell, W. E. Martin, Martin Lohman, H. J. Hagerman, Harry F. Lee, J. P. Chavez, and Levi Hughes.

Committee at Large—W. J. Slaughter, of Santa Fe.

## WHOLE CROWD TOOK PUNCH AT LONE MAN IN THE OLD TOWN

William T. Metzgar Terribly  
Beaten Last Night.

## SAYS ATTACK WAS WHOLLY WITHOUT PROVOCATION

William T. Metzgar, chief clerk in the wholesale liquor house of Melini and Bakin on South First street, was terribly beaten as he was leaving the Star saloon in Old Albuquerque last night. Metzgar says he was set upon by a crowd of from fifteen to twenty young men who rained blows on him from all sides. He declares the attack was wholly without provocation.

Metzgar has several long cuts about the head and face. One eye is swollen shut, the other is discolored, and nine stitches were taken in his scalp in different places by the physician who attended him when he had been brought to Albuquerque.

No arrests have been made.

Metzgar says he went to a dance in Society hall in the Old Town and after the dance went into the Star saloon to get a drink. While he was standing at the bar talking with a friend he says a man he did not know entered and called him several unpleasant names. He knocked the man down. Instantly, he says, the room was full of men, some of whom he knew and blows were coming from all sides. He defended himself as best he could, but was floored by a blow on the temple which raised a welt as big as an egg. After he was down he says the entire crowd took turns in striking and kicking him.

S. Gonzales, employed in the Sandoval barber shop on Railroad avenue, entered the Star saloon just as the fight was at its height. He was floored by a blow in the nose. He was not with Metzgar and says he had done nothing to call forth trouble. Gonzales was not badly hurt.

Metzgar, while not seriously injured, has a lot of painful bruises which will probably lay him up for a time. It is not known whether he proposes to prosecute his assailants. He says he knows five or six of them, but the rest he could not distinguish after the battle began.

## CATHOLIC PIONEER WINNING FRIENDS

CIRCULATION OF ABLY EDITED  
MAGAZINE RAPIDLY MOUNTING SKYWARD.

The November number of the Catholic Pioneer, edited by Rev. Fr. George J. Julliard, of Gallup, is just from the press of the Morning Journal. The November number of the Pioneer is by far the most successful in its brief but astonishingly successful career. It is filled with matter of lively current interest, terse editorial comment, special articles by authorities on matters pertaining and of special interest to the southwest, notes and brief news in just the right form for the man who wants something more of comment than the newspapers can give, without the length of the larger periodicals of wider circulation.

The success of the Pioneer has been astonishing. Its first issue was issued five months ago, and in that time its circulation has mounted up by tens and hundreds until it now enjoys a circulation in excess of any publication of its kind in the southwest. The present success seems to be the beginning.

In the current number appears the following word of encouragement and approval:

Archbishop's Residence, Santa Fe, N. M., September 1st, 1905.

Rev. George J. Julliard, Editor "The Catholic Pioneer."

Rev. Father: Now that the "Pioneer" is fairly launched with a strong prospect of future success and a long life, I take pleasure in giving it my approbation and earnestly recommending it to all, especially the clergy and laity of the archdiocese.

You are to be commended for this laborious undertaking and I pray God "The Pioneer" may exert in this part of the country, the beneficent influence for good which you have had in view in starting it.

Sincerely Yours in Xto.,

P. BOURGADE,  
Archbishop of Santa Fe.

**Wanted.**  
A chance to estimate on making your account books and special ruled blanks. Mitchner & Lithgow, bookbinders, at the Journal office.

**Engine For Sale.**  
Enlarging our power plant we offer for sale one 8x12 30 h. p. 285 revolution Buckeye automatic cut-off engine for \$250; can be seen in operation at our mill at Belen. It is an excellent machine. The John Becker company.

**Preserve Your Lawn.**  
Kill the worms with Hahn's Eureka lime.

**Conductors Attention.**  
Full leather TRAIN BOOK COVERS, keep your book in good condition. Get them at the Mitchner & Lithgow book bindery, in the Journal office.

**Preserving Time.**  
Preserve your magazines by having them bound by Mitchner & Lithgow, book binders at the Journal office.

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With Hahn's Eureka White lime. Keeps out lice.

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## FIRST DIVORCE SUIT AMONG THE PUEBLO INDIANS

Isleta Buck Would Be Relieved of Ties That Bind.

## ALLEGES WIFE HAS LEARNED THE WAYS OF CIVILIZATION

The first action for divorce ever known among the Pueblo Indians of New Mexico has been instituted in the Bernalillo county district court by one Louis Abeytia, of the Isleta pueblo, who seeks an absolute divorce from his wife, also an Isleta. Abeytia is no nearer relative of the Abeytia who runs the trading store at the pueblo than all of the tribe are related in the tribal bond, but he knows the ways of civilization, as does also the wife from whom he seeks to be freed.

Attorney W. C. Heacock appears for the Indian, having the distinction of bringing the first action of the kind on record.

The institution of marriage, although missionaries have struggled long and earnestly to plant it among the pueblo people, is only recently being observed, and is still of sufficient rarity to make each marriage interesting. The action of the last legislature in requiring a uniform system of licenses served to make the Indians more careful, and marriages by legal procedure are becoming frequent. There has always been, of course, the marriage formality of the tribe. But divorce is the latest institution of civilization to find its way into the Pueblos. The plaintiff in the case is an intelligent man, having had some education in the Indian schools. He has been employed by the railroad from time to time.

The defendant is one of the most intelligent of the villagers and was one of the four or five selected to go to the Indian colony at St. Louis during the World's fair. Her answer to the petition, if she files one, has not yet made its appearance.

## SHERIFF LUCERO TAKES BUNCH TO THE PEN

CONVICTS SENTENCED AT RECENT TERM OF DONA ANA COUNTY COURT BEGIN TIME.

Sheriff Jose Lucero of Dona Ana county, was in the city last night on his way home from Santa Fe, where he has just delivered a bunch of prisoners sentenced at the recent term of Dona Ana county criminal court. The prisoners and their sentences follow:

Antonio Marquez, age 35; burglary and larceny of dwelling, five years; Pedro Muniz, age 21, burglary and larceny of dwelling, five years; Agapito Dominguez, age 65; maiming a horse, two years; Tranquillino Aceves, age 52, embezzlement, one year; Hilario Grant, age 26, murder in the third degree, one year; Roque Gomez, age 34, burglary one year; Gerónimo Sedillo, age 30, abandonment of wife and family, one year; Juan Pablo Ramirez, age 29, assault with attempt to kill, one year.

**Navajo Gets Ten Years.**  
Bes-Chee-Mee, a Navajo Indian, has just been placed in the penitentiary in Santa Fe, where he will serve a term of ten years for rape. The Navajo was convicted before Judge McFie, at the recent term of the San Juan county court.

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## Little Stories Of The Street And of the Town

**He Wasn't a Dead One.**  
A well known young married couple were expecting an uncle to arrive in the city Saturday night. He was scheduled to make his appearance on train No. 1.

When the first section of that train rolled in, the expectant Albuquerqueans anxiously inspected everyone who got off. But there was no Uncle Jim. So they waited patiently for the second section of the train. When it arrived, however, and the second big batch of travelers hopped off the Pullmans, there wasn't a sign of Uncle Jim anywhere in the crowd.

The expectant ones were much disappointed, but decided that Uncle was coming in on No. 2. No. 2 was a little late and after a long and weary wait about the station finally they glimpsed the shine of No. 2's headlight up the track. All ready to embrace Uncle Jim, the reception committee took up their station at the door of the Pullman and made ready to grab him as he alighted.

But no Uncle Jim was on board. "Thoroughly disgusted," the young couple prepared to go home and give it up when they were told that another section of No. 2 would arrive shortly. So they patiently waited a while longer.

When chunk No. 2 of train No. 2 pulled up at the station they grabbed the conductor and asked breathlessly: "Oh, Mr. Conductor, do you know whether Mr. — is on this train?" "Well, I don't know," responded the blue coat with a twinkle in his eye. "Did you expect him in a coffin or a trunk? This train is all baggage and express cars. You might ask at the Wells Fargo office."

But the conductor's chuckle was wasted on this air, for the disgusted young couple had decided Uncle Jim could go to grass and were disappearing around the corner of the Alvarado at a 2:07 gait.

**He Caught the Dog.**  
Mr. Allen G. Kennedy, formerly civil engineer for the Santa Fe Central Railway company, who is now engaged in moving his residence from Santa Fe to El Paso, is telling a good joke on himself. Mr. Kennedy appreciates it as much as anyone and there is no possible denying that it is a pretty good one on Mr. Kennedy.

The gentleman is the owner of a blooded dog which he prizes somewhat highly. Saturday night Mr. and Mrs. Kennedy boarded the train for El Paso here. They retired early in the evening to their sleeper, as the train had to wait until early morning for the connections from the east. The dog was given over to the tender care of the baggage man with explicit instructions to place him with the utmost carelessness in the baggage car when the train was ready to leave, without awaking the animal's owner.

In the cold gray dawn Mr. Kennedy was roused by the porter who said that his dog had escaped from the baggage man and when last seen was doing a highland fling in the direction of Santa Fe.

Mr. Kennedy hastily slipped on a coat and pair of trousers over his nocturnal garments, jumped into a pair of slippers and sallied out to find the dog. After a shivering search in the frosty air of daybreak he finally located the dog and by dint of some strategy captured him.

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If desired an extension of return limit can be obtained by deposit of ticket with the Joint Agent, and the payment of a fee of 50 cents, before November 15; limit to be extended to December 25.  
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